

Board of Adjustment  
Minutes  
February 2, 2016, 2015

Meeting was called to order at 6:14 p.m. by Chairperson Moe Richardson. Those in attendance: Moe Richardson, Roch Player, Lori Boren, Gary Ulch and Liz Sparks. Also in attendance: Zoning Administrator, Matt Siders and Tim Keegan representing St. John's Catholic Church.

1. Approval of Agenda. Motion made by Sparks, seconded by Player to approve agenda. Carried all.
2. Approval of minutes from December 15, 2015. Motion made by Ulch, seconded by Player to approve minutes. Carried all.
3. Public Hearing and discussion and possible action on a request for a variance for a sign at 212 7<sup>th</sup> Street SE, Mount Vernon, Iowa. Siders explained that he had met with Tim Keegan a few months ago regarding a sign at the Catholic Church to get some preliminaries and they had talked about the size of the sign. The church felt that they needed a big sign on the exterior south wall of the church to be seen from the Highway 30 side. Knowing that Matt would not be approving a big sign the church went ahead and had Rickard Sign design the new sign that is larger than is allowed in the Suburban Residential zoning district. The maximum square footage for a sign is 32 square feet for permitted non-residential uses. The proposed wall sign is 50.6 square feet and includes a separate cross emblem that is exempt from the sign regulations:

Section 1002, second paragraph states "This definition shall not include festival or holiday decorations; the use of a flag, emblem, insignia, or other display of any nation or political subdivision; traffic, safety or similar regulatory devices; legal notices; scoreboards; memorial signs or tablets; emblems of religious institutions that are attached to buildings; building names structurally integrated into the surface of a building; and customary displays of merchandise or objects and materials placed behind a store window.

Siders denied the permit based on the maximum size allowed. Tim Keegan stated that there are currently no signs on the building. There will be a sign put up front that will be under the allowed size but the reason for the large sign on the back side of the church is so that it can be seen better from Highway 30. The color will match the soffit material on the edge of the church. There will be minimal changes to the lighting that currently shines on the wall. Keegan stated that he worked with the sign company to come up with the design. Their recommendation was to have enough size

on the letter as well as spacing between the letters that it could be seen from the highway. Aesthetics and size were key factors in the design of the sign.

Sparks asked the board if they felt that the proposed sign violated the intent of the code for a residential district and everyone agreed that it did not.

Board members then went over the requirements for granting a variance which are summarized below:

***Does the property have an unusual shape or topography that creates exceptional difficulties for using the property for its zoned use? (exceptional narrowness, unusual shape or topography) No***

***(a) Strict application of the zoning ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.*** Ulch, Player and Richardson agreed that it is an undue hardship on the church to have no sign identifying the church visible from Highway 30 for people driving to the church.

***(b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.*** Correct, there are no other non-residential properties in the vicinity.

***(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.*** Correct, the back exterior wall of the church is not visible to any adjacent residential properties and faces only the empty property behind the church owned by the church.

***(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.*** Correct.

***(e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.*** No.

***(f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.*** Correct, the large exterior wall sign is not visible to any residential properties.

Sparks made a motion that for the property located at 212 7<sup>th</sup> Street SE, Mount Vernon, Iowa, the Board of Adjustment grant a variance requesting relief from the sign regulations, Article 10, Tables 10-3 and 10-4 permitting St. John Catholic Church to install a sign on the exterior wall of its building with a maximum size of 50.6 square feet (13.5 ft x 3.75 ft). Motion seconded by Ulch. Carried all.

4. Discussion regarding electing a chairperson to Board of Adjustment and adding verbiage to Section 13 of the Zoning Ordinance. Siders explained that all boards in the Code of Ordinances have provisions for electing a chairperson. This particular board does not have any verbiage in the code pertaining to that. He felt it would be prudent to follow what all other boards do. In the code it does talk about electing a chairperson but it does not speak of the term. Most boards specify that a chairperson and vice chair are elected once per year. Ulch agreed that Board of Adjustment should follow these same rules. Sparks said that adopting administrative procedures was discussed a while back but nothing was ever formalized. Board of Adjustment is not part of the "Administration" section of the Code of Ordinances, but is spelled out in the Zoning section of the code as part of the zoning process. Player stated that there is a section in the Iowa Code that gives the board the authority to adopt rules and regulations as authorized or required. He feels that this would allow Board of Adjustment to adopt rules for itself such as electing chair and vice chair. Sparks will locate the notes from the previous discussion on administrative procedures and send it to everyone and a decision can be made if further discussion is needed. Everyone felt that it was important to have procedures in place. Discussion will continue at the next meeting.

Meeting adjourned at 6:56 p.m., February 2, 2016.

Respectfully submitted,  
Marsha Dewell  
Deputy Clerk